

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HECTOR VASQUEZ,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

2:13-cv-00279-RCJ-VCF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

Petitioner has submitted a motion for the appointment of counsel. (ECF No. 2). The court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, *Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980), and where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the court can afford him a fair hearing, *Hawkins v. Bennet*, 423 F.2d 948 (8th Cir. 1970). In the instant case, the record suggests that petitioner suffers from learning disabilities and

1 has little education. The petition (ECF No. 1-1) suggests that this may be a relatively complex
2 action. In the interests of justice, the Court grants petitioner's motion for the appointment of
3 counsel.

4 Therefore, the Federal Public Defender for the District of Nevada (FPD) is appointed to
5 represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other
6 reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order
7 appointing such alternate counsel. In either case, counsel will represent petitioner in all future
8 federal proceedings relating to this matter (including subsequent actions) and appeals therefrom,
9 unless allowed to withdraw.

10 **IT IS THEREFORE ORDERED** that petitioner's motion to proceed in *forma pauperis*
11 (ECF No. 1) is **GRANTED**. The Clerk of Court **SHALL FILE** the *pro se* habeas petition (ECF No.
12 1-1) in this action.

13 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF
14 No. 2) is **GRANTED**. The Federal Public Defender is appointed to represent petitioner.

15 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
16 **SERVE** the Federal Public Defender for the District of Nevada (FPD) a copy of this order, together
17 with a copy of the *pro se* petition for writ of habeas corpus (ECF No. 1-1). The FPD shall have
18 **thirty (30) days** from the date of entry of this order to undertake direct representation of petitioner or
19 to indicate to the Court its inability to represent petitioner in these proceedings.

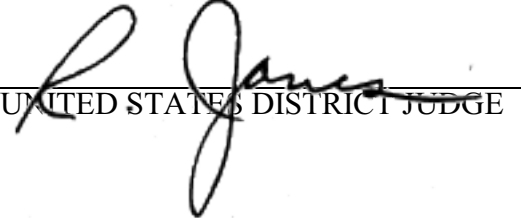
20 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** a copy of this order
21 to the CJA Coordinator.

22 **IT IS FURTHER ORDERED**, so that the respondents may be electronically served with the
23 amended petition and any exhibits filed through counsel, that the Clerk of Court **SHALL**
24 **ELECTRONICALLY SERVE** respondents with a copy of this order by certified mail to the Office
25 of the Attorney General, Criminal Division, 100 North Carson St., Carson City, NV 89701-4717.
26

1 Respondents' counsel shall enter a notice of appearance herein within **twenty (20) days** of entry of
2 this order, but no further response shall be required from respondents until further order of this
3 Court.

4 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
5 Court will issue a scheduling order, which will, among other things, set a deadline for the filing of a
6 first amended petition.

7 Dated this 30th day of August, 2013.

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10 UNITED STATES DISTRICT JUDGE
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